By: Dutton H.B. No. 3884

A BILL TO BE ENTITLED

1 AN ACT

- 2 relating to the carrying of knives.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 4 SECTION 1. Sections 46.01(6) and 46.15(e), Penal Code, are
- 5 repealed.
- 6 SECTION 2. Section 46.02(a), Penal Code, is amended to read
- 7 as follows:
- 8 (a) A person commits an offense if the person intentionally,
- 9 knowingly, or recklessly carries on or about his or her person a
- 10 handgun [rillegal knifer] or club if the person is not:
- 11 (1) on the person's own premises or premises under the
- 12 person's control; or
- 13 (2) inside of or directly en route to a motor vehicle
- 14 or watercraft that is owned by the person or under the person's
- 15 control.
- SECTION 3. Section 46.03(a), Penal Code, is amended to read
- 17 as follows:
- 18 (a) A person commits an offense if the person
- 19 intentionally, knowingly, or recklessly possesses or goes with a
- 20 firearm, [illegal knife,] club, or prohibited weapon listed in
- 21 Section 46.05(a):
- 22 (1) on the physical premises of a school or
- 23 educational institution, any grounds or building on which an
- 24 activity sponsored by a school or educational institution is being

- 1 conducted, or a passenger transportation vehicle of a school or
- 2 educational institution, whether the school or educational
- 3 institution is public or private, unless pursuant to written
- 4 regulations or written authorization of the institution;
- 5 (2) on the premises of a polling place on the day of an
- 6 election or while early voting is in progress;
- 7 (3) on the premises of any government court or offices
- 8 utilized by the court, unless pursuant to written regulations or
- 9 written authorization of the court;
- 10 (4) on the premises of a racetrack;
- 11 (5) in or into a secured area of an airport; or
- 12 (6) within 1,000 feet of premises the location of
- 13 which is designated by the Texas Department of Criminal Justice as a
- 14 place of execution under Article 43.19, Code of Criminal Procedure,
- 15 on a day that a sentence of death is set to be imposed on the
- 16 designated premises and the person received notice that:
- 17 (A) going within 1,000 feet of the premises with
- 18 a weapon listed under this subsection was prohibited; or
- 19 (B) possessing a weapon listed under this
- 20 subsection within 1,000 feet of the premises was prohibited.
- SECTION 4. Section 46.06(a), Penal Code, is amended to read
- 22 as follows:
- 23 (a) A person commits an offense if the person:
- 24 (1) sells, rents, leases, loans, or gives a handgun to
- 25 any person knowing that the person to whom the handgun is to be
- 26 delivered intends to use it unlawfully or in the commission of an
- 27 unlawful act;

- 1 (2) intentionally or knowingly sells, rents, leases,
- 2 or gives or offers to sell, rent, lease, or give to any child
- 3 younger than 18 years any firearm $[\tau]$ or club; $[\tau]$ or illegal
- 4 knife;
- 5 (3) intentionally, knowingly, or recklessly sells a
- 6 firearm or ammunition for a firearm to any person who is
- 7 intoxicated;
- 8 (4) knowingly sells a firearm or ammunition for a
- 9 firearm to any person who has been convicted of a felony before the
- 10 fifth anniversary of the later of the following dates:
- 11 (A) the person's release from confinement
- 12 following conviction of the felony; or
- 13 (B) the person's release from supervision under
- 14 community supervision, parole, or mandatory supervision following
- 15 conviction of the felony;
- 16 (5) sells, rents, leases, loans, or gives a handgun to
- 17 any person knowing that an active protective order is directed to
- 18 the person to whom the handgun is to be delivered; or
- 19 (6) knowingly purchases, rents, leases, or receives as
- 20 a loan or gift from another a handgun while an active protective
- 21 order is directed to the actor.
- SECTION 5. Section 37.007(a), Education Code, is amended to
- 23 read as follows:
- 24 (a) Except as provided by Subsection (k), a student shall be
- 25 expelled from a school if the student, on school property or while
- 26 attending a school-sponsored or school-related activity on or off
- 27 of school property:

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H.B. No. 3884
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(1) uses, exhibits, or possesses:
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 2
                    (A)
                         a firearm as defined by Section 46.01(3),
 3
   Penal Code;
 4
                    (B)
                         [an illegal knife as defined by Section
 5
             Penal Code, or by local policy; any of the following:
 6
                         (i) a knife with a blade over five and
 7
   one-half inches;
8
                         (ii) a hand instrument designed to cut or
   stab another by being thrown;
 9
                         (iii) a dagger, including but not limited
10
   to a dirk, stiletto, and poniard;
11
12
                         (iv) a bowie knife;
                         (v) a sword; or
13
14
                         (vi) a spear.
15
                    (C)
                        a club as defined by Section 46.01(1), Penal
16
   Code; or
17
                    (D)
                         a weapon listed as a prohibited weapon under
   Section 46.05, Penal Code;
18
                    engages in conduct that contains the elements of
19
20
   the offense of:
21
                    (A)
                         aggravated assault under Section 22.02,
   Penal Code, sexual assault under Section 22.011, Penal Code, or
22
   aggravated sexual assault under Section 22.021, Penal Code;
23
24
                    (B)
                        arson under Section 28.02, Penal Code;
25
                    (C) murder under Section 19.02, Penal Code,
   capital murder under Section 19.03, Penal Code, or criminal
26
   attempt, under Section 15.01, Penal Code, to commit murder or
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H.B. No. 3884
 1
   capital murder;
2
                     (D)
                          indecency with a child under Section 21.11,
3
   Penal Code;
4
                     (E)
                          aggravated kidnapping under Section 20.04,
5
   Penal Code;
6
                     (F)
                          aggravated robbery under Section
                                                                29.03,
7
   Penal Code;
8
                     (G)
                          manslaughter under
                                               Section 19.04,
9
   Code;
10
                     (H)
                         criminally negligent homicide under Section
   19.05, Penal Code; or
11
                         continuous sexual abuse of young child or
12
                     (I)
   children under Section 21.02, Penal Code; or
13
14
                    engages
                              in
                                  conduct specified
                                                          bу
15
   37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.
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18 (a) A juvenile board may establish a first offender program

SECTION 6. Section 52.031(a), Family Code, is amended to

- 19 under this section for the referral and disposition of children
- 20 taken into custody, or accused prior to the filing of a criminal
- 21 charge, of:

read as follows:

16

17

- 22 (1) conduct indicating a need for supervision;
- 23 (2) a Class C misdemeanor, other than a traffic
- 24 offense; or
- 25 (3) delinquent conduct other than conduct that
- 26 constitutes:
- 27 (A) a felony of the first, second, or third

- 1 degree, an aggravated controlled substance felony, or a capital
- 2 felony; or
- 3 (B) a state jail felony or misdemeanor involving
- 4 violence to a person or the use or possession of a firearm [τ
- 5 illegal knife, or club, as those terms are defined by Section
- 6 46.01, Penal Code, or a prohibited weapon, as described by Section
- 7 46.05, Penal Code.
- 8 SECTION 7. Section 53.01(d), Family Code, is amended to
- 9 read as follows:
- 10 (d) Unless the juvenile board approves a written procedure
- 11 proposed by the office of prosecuting attorney and chief juvenile
- 12 probation officer which provides otherwise, if it is determined
- 13 that the person is a child and, regardless of a finding of probable
- 14 cause, or a lack thereof, there is an allegation that the child
- 15 engaged in delinquent conduct of the grade of felony, or conduct
- 16 constituting a misdemeanor offense involving violence to a person
- or the use or possession of a firearm [, illegal knife,] or club, as
- 18 those terms are defined by Section 46.01, Penal Code, or prohibited
- 19 weapon, as described by Section 46.05, Penal Code, the case shall be
- 20 promptly forwarded to the office of the prosecuting attorney,
- 21 accompanied by:
- 22 (1) all documents that accompanied the current
- 23 referral; and
- 24 (2) a summary of all prior referrals of the child to
- 25 the juvenile court, juvenile probation department, or a detention
- 26 facility.
- 27 SECTION 8. This Act applies only to an offense committed on

- 1 or after the effective date of this Act. An offense committed before
- 2 the effective date of this Act is governed by the law in effect on
- 3 the date the offense was committed, and the former law is continued
- 4 in effect for that purpose. For purposes of this section, an offense
- 5 was committed before the effective date of this Act if any element
- 6 of the offense occurred before that date.
- 7 SECTION 9. This Act takes effect September 1, 2015.